

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

UNITED STATES OF AMERICA

§

v.

§

Case No. 2:18-CR-8-8- JRG-RSP

TONY BARNET KING

§

§

§

**REPORT AND RECOMMENDATION OF
THE UNITED STATES MAGISTRATE JUDGE**

On December 19, 2023, the undersigned held a final hearing on the Government's petition (#819) to revoke supervised release. The Government was represented by Assistant United States Attorney Dustin Farahnak. The Defendant, Tony Barnet King, was represented by Greg Waldron.

Tony Barnet King was sentenced on February 3, 2020, before The Honorable Rodney Gilstrap of the Eastern District of Texas after pleading guilty to the offense of Conspiracy to Distribute and Possess with Intent to Distribute Methamphetamine, a Class C felony. This offense carried a statutory maximum imprisonment term of 20 years. The guideline imprisonment range, based on a total offense level of 17 and a criminal history category of IV, was 37 to 46 months. Tony Barnet King was subsequently sentenced to 42 months imprisonment and 3 years supervised release subject to the standard conditions of release, plus special conditions to include financial disclosure; obtain a GED; substance abuse aftercare; and a \$100 special assessment. On January 14, 2022, Tony Barnet King completed his period of imprisonment and began service of the supervision term.

On August 25, 2022, Mr. Tony Barnet King's term of supervised release was revoked and he was sentenced to a term of imprisonment of 12-months + 1 day to be followed by a 1-year term of supervised release. The following special conditions were imposed: financial

disclosure; substance abuse treatment and testing; and obtain a GED.

On August 3, 2023, this petition to revoke was filed. In its petition, the Government alleges the Defendant violated the following conditions:

1) Mandatory: You must refrain from any unlawful use of a controlled substance. You must submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter; as determined by the court. Specifically, the Government alleges as follows: Mr. King reported to the Probation Office on June 20, 2023, for his initial office visit. On said date Mr. King submitted a urine sample that tested positive for cocaine. Mr. King's sample was confirmed positive for cocaine by Abbott Labs. On June 26, 2023, Mr. King submitted to a random drug test that indicated positive results for cocaine. Mr. King's sample was confirmed positive for cocaine by Abbott Labs. On July 6, 2023, Mr. King submitted to a random drug test that indicated positive results for cocaine. Mr. King's sample was confirmed positive for cocaine by Abbott Labs.

2) Standard: You must answer truthfully the questions asked by your probation officer. Specifically, the Government alleges as follows: On June 20, 2023, following the submission of Mr. King's positive urine sample he was asked by the U.S. Probation Officer if he had consumed cocaine. Mr. King denied use of said substance, however his sample was later confirmed positive for cocaine by Abbott Labs.

The Court scheduled a revocation hearing for December 19, 2023. At the hearing on the Government's petition, and after consenting to the undersigned taking the plea, the Defendant pled true to allegation #1 as set forth above. Based on the Defendant's plea of true to the allegation, and with no objection by the Defendant or the Government, the undersigned found that the Defendant did violate conditions of his supervised release, as alleged in the U.S.

Probation Office's petition.

The undersigned thereafter recommended that the Defendant be committed to the custody of the Bureau of Prisons to be imprisoned for twelve months + one day with no supervised release to follow with credit for time served from 12/9/23. The Court recommends service of sentence at FCI Texarkana. Based on the foregoing, it is

RECOMMENDED that the Defendant's plea of true to allegation #1, as set forth in the Government's petition, be **ACCEPTED**. Based upon the Defendant's plea of true to the allegation, it is further recommended that the Court find that the Defendant violated the conditions of his supervised release. It is further

RECOMMENDED that the Defendant's supervised release be **REVOKE**D. It is further **RECOMMENDED** that the Defendant be committed to the custody of the Bureau of Prisons to be imprisoned for a term of twelve months + one day with no supervised release to follow with credit for time served from 12/9/23. The Court recommends service of sentence at FCI Texarkana.

At the close of the December 19, 2023 revocation hearing, Defendant, defense counsel, and counsel for the Government each signed a standard form waiving their right to object to the proposed findings and recommendations contained in this report, consenting to revocation of supervised release as recommended herein and to the imposition of the above sentence. Defendant also waived his right to be present and speak before the District Judge imposes the recommended sentence. Therefore, the Court may act on the findings and recommendation immediately.

SIGNED this 20th day of December, 2023.

3 

ROY S. PAYNE
UNITED STATES MAGISTRATE JUDGE